



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,463	04/24/2002	Alexander Furbach	P/1903-20	8410

7590

07/21/2003

Ostrolenk Faber Gerb & Soffen
1180 Avenue of the Americas
New York, NY 10036-8403

EXAMINER

FLORES RUIZ, DELMA R

ART UNIT

PAPER NUMBER

2828

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/030,463	Applicant(s) FURBACH ET AL.	
	Examiner Delma R. Flores Ruiz	Art Unit 2828	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Paul IP
PAUL IP
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: Claims 1 and 3 for example presents a mere recitation of a group of elements without disclosing how said elements are interrelated in order to perform as an apparatus capable of carrying through any perceptible actions. There is no structural or means recited in the claim, for performing the apparatus, example mode locking, amplifying arms, pump, laser crystal, etc. One of ordinary skill in the art will not understand the apparatus since the components of the apparatus are not clearly stated at the claim as a complete structure.

Claims 12 – 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12 the recitation “thereby producing the

amplified laser pulse", because it has been held that the functional "thereby" statement does not define any structure and accordingly can not serve to distinguish. In re Mason, 114 USPQ 127, 44 CCPA 937 (1957).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 12 – 14, 16 – 19, and 21 - 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Weingarten et al (6,393,035).

Regarding claim 12, Weingarten discloses a laser arrangement to produce a plurality of amplified laser pulses, comprising; a common arm including a pump unit (see Fig. 2, Character 1) having a pumped laser crystal (see Fig. 2, Character 2), the pump unit being configured to generate a plurality of laser pulses; mode-locking and

amplifying arms (see Fig. 2, Character 4, Abstract, Column 1, Lines 35 – 41, Column 3, Lines 5 – 35 and 59 – 61, Column 4, Lines 34 – 52, and 61 – 63); and a switching Abstract, Column 1, Lines 35 – 41, Column 3, Lines 5 – 35 and 59 – 61), arrangement controllable to optically switch the laser pulses between the common arm and one of the mode locking and amplifying arms, the common arm and the mode locking arm forming a first resonator arm, the common arm and the amplifying arm forming a second resonator arm, the mode locking arm including a passive mode locking arrangement configured to passively mode lock phase of the laser pulses, the amplifying arm being free of components that introduce losses; wherein, during a pulse forming phase, the switching arrangement is controlled to switch the laser pulses between the common arm and the mode locking arm to mode lock the phases of the laser pulses on the first resonator arm, and during an amplifying stage, the switching arrangement is controlled to switch the laser pulses between the common arm and the amplifying arm to amplify the mode locked laser pulses on the second resonator arm, thereby producing the amplified laser pulses (see Figs. 1 – 2, 7, Abstract, Column 1, Lines 35 – 41, Column 3, Lines 5 – 35 and 59 – 61, Column 4, Lines 23 – 66, Column 8, Lines 30 – 39, and Column 12, Lines 20 – 24).

Regarding claim 13, Weingarten discloses the switching arrangement includes a first polarization sensitive beam driver (see Fig. 2, Character 53) optically coupled to the mode locking and amplifying arms, and further including a polarization rotating

arrangement optically coupled to the beam divider and to the common arm, the polarization rotating arrangement being controllable to rotate a polarization of the laser pulses to switch the laser pulses of the common arm between one of the mode locking and amplifying arms (see Fig. 2, Column 11, Lines 17 – 67, Column 12, Lines 1 – 19).

Regarding claim 14, Weingarten discloses the polarization rotating arrangement is Pockels cells (Column 2, Line 8).

Regarding claims 16 – 19, Weingarten discloses the passive mode locking arrangement includes a saturable absorber (Abstract, Column 4, Lines 23 – 52), the saturable absorber is saturable semiconductor absorber and the saturable absorber is arranged to terminate the mode locking arm and mode locking arm includes a linear loss element causing a high energy accumulation in the pumped laser crystal (see Figs. 1 – 2, 7, Abstract, Column 1, Lines 35 – 41, Column 3, Lines 5 – 35 and 59 – 61, Column 4, Lines 23 – 66, Column 8, Lines 30 – 39, and Column 12, Lines 20 – 24).

Regarding claims 21 – 23, Weingarten discloses a pump unit is continuous wave diode pump (see Fig. 2 Character 1, Column 10, Lines 48 – 53) a pumping arrangement configured to pump the pumped laser crystal (see Fig. 2, Character 2, Column 10, Lines 66 – 67) and the pumping arrangement includes one of a lamp-pump arrangement and a laser pump arrangement (see Fig. 2, Character 1 and 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weingarten et al (6,393,035) in view of Rieger et al (5,790,574).

Regarding claims 15 and 20 Weingarten discloses the claimed invention except for a second polarization sensitive beam driver arranged in a path of the laser to coupled out the amplified laser pulses and the linear loss element includes a $\frac{1}{4}$ platelet. It would have been obvious at the time of applicant's invention, to combine Rieger of teaching a second polarization sensitive beam driver arranged in a path of the laser to coupled out the amplified laser pulses and the linear loss element includes a $\frac{1}{4}$ platelet with laser because the seconds polarization sensitive is use to cause light wave to vibrate in a definite way and use a $\frac{1}{4}$ platelet for shifting the polarization of the outgoing beam by 90 degree.

Response to Arguments

Applicant's arguments filed 12/ 18 /2002 have been fully considered but they are not persuasive. Applicant's arguments with respect to claims 12 - 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Delma R. Flores Ruiz whose telephone number is (703) 308-6238. The examiner can normally be reached on M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Application/Control Number: 10/030,463
Art Unit: 2828

Page 8

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.



Delma K. Flores Ruiz
Examiner
Art Unit 2828



Paul Ip
Supervisor Patent Examiner
Art Unit 2828

DRFR/PI
July 11, 2003